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November 16, 2000

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Generic Docket to Establish UNE Prices for Line Sharing per FCC 99-355 and Riser Cable and Terminating Wire as Ordered in TRA Docket No. 98-00123*
Docket No. 00-00544

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Motion for Leave to File Surebuttal Testimony and to Postpone Hearing. Copies of the enclosed are being provided to counsel of record for all parties.

Very truly yours,

Guy M. Hicks
Guy M. Hicks
in ch w/ permission

GMH:ch
Enclosure

236632

POSTED

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Generic Docket to Establish UNE Prices for Line Sharing per FCC 99-355 and Riser Cable and Terminating Wire as Ordered in TRA Docket No. 98-00123*

Docket No. 00-00544

**BELLSOUTH'S MOTION FOR LEAVE TO FILE
SURREBUTTAL TESTIMONY AND TO POSTPONE HEARING**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits this request for leave to file surrebuttal testimony and for an order postponing the hearing in this matter. The procedural schedule, as interpreted by the intervenors, leaves BellSouth at a significant disadvantage in this case. BellSouth did not want to delay this proceeding. But, with no meaningful opportunity to either respond to the testimony filed by the intervening parties and no meaningful opportunity to review that testimony and prepare cross-examination, BellSouth has no option but to request the right to file surrebuttal testimony and to seek a postponement of the hearing. New dates for the hearing should be selected at the prehearing conference on November 21, 2000.

DISCUSSION

I. Background

The Authority issued a procedural schedule in this matter on August 11, 2000. In accordance with that schedule, BellSouth filed its cost studies on October 2, 2000. Thereafter, the parties were permitted to conduct discovery.

The parties were required to file direct testimony on November 10, 2000, and rebuttal testimony on November 17, 2000. In a subsequent order, the Prehearing Officer modified that schedule by moving both the direct and rebuttal testimony filing dates to November 13 and 20, respectively. On November 13, BellSouth and Sprint, both incumbent local exchange carriers, were the only parties to file direct testimony.

II. BellSouth Has Been Prejudiced Because The Intervenors Did Not File Direct Testimony.

The intervenors elected to file their entire case as rebuttal. This decision has two direct and significant consequences. First, BellSouth will have no opportunity to submit any prefiled testimony which responds to the issues raised by the intervenors.¹ Second, with the Thanksgiving holiday, BellSouth will have the benefit of only two working days to review the entire case filed by the intervenors. BellSouth believes that the Authority's procedural schedule -- which required BellSouth to file its cost studies well in advance of the filing of direct testimony and permitted the parties to conduct discovery concerning the studies -- plainly contemplated that the intervenors would file direct testimony. BellSouth certainly expected them to do so.

¹ Counsel for Covad has suggested that BellSouth file surrebuttal testimony on Wednesday November 22, 2000. That proposal is unworkable because BellSouth will not have sufficient time to review whatever rebuttal testimony is filed on November 20, 2000.

In similar cost proceedings recently concluded in North Carolina and Florida, the Data Coalition filed direct testimony.² In those cases, the procedural schedules called for direct testimony from BellSouth, followed by direct testimony from the intervening parties, and thereafter by rebuttal testimony from BellSouth. The "direct" testimony filed by the intervenors in those cases was effectively a combination of direct and rebuttal. That is, a portion of the testimony could be considered direct (because it was independent of any testimony filed by BellSouth) and a portion of the testimony could be considered rebuttal (because it addressed specific issues addressed by BellSouth's witnesses in their direct testimony). In this case, the intervening parties could have, and BellSouth believes should have, filed on November 13, 2000, that portion of their testimony which does not rebut BellSouth's testimony. If the Data Coalition and the other parties had done so, BellSouth would have had adequate time to review that testimony and would have been able to file rebuttal testimony to address any points discussed therein.

III. A Delay In The Hearing Will Not Prejudice Any Party.

A delay in the hearing will have no practical impact on any party because, on November 7, 2000, the Authority adopted interim rates for all of the elements which are the subject of this proceeding. These interim rates are subject to true-up. Therefore, it should not matter whether the hearing goes forward on

² Because of the nature of this docket, which deals primarily with the FCC's Rule 319 remand order, BellSouth expects the members of the Data Coalition to occupy a leading role among the intervenors, as they have in similar proceedings.

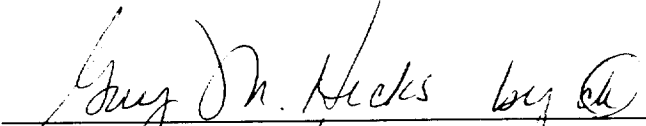

November 27th or is rescheduled for a mutually convenient time in the first quarter of 2001.

IV. Conclusion

For the foregoing reasons, BellSouth respectfully requests that the Authority enter an order permitting BellSouth to file surrebuttal testimony and postponing the hearing. The Authority and parties should select a new hearing date at the prehearing conference scheduled for November 21, 2000.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

by 

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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2000, a copy of the foregoing document was served on the parties of record, via electronic mail or other method as indicated:

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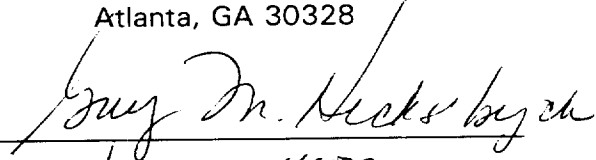
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